

## DECLARATION

**COPY**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **APPARATUS AND METHODS FOR MATERIAL CAPTURE AND REMOVAL** the specification of which  is attached hereto or \_\_\_\_\_ was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

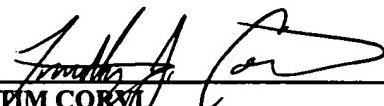
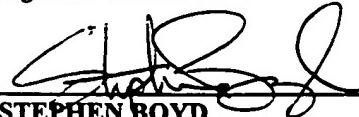
I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Last Name: <b>CORVI</b>	First Name: <b>TIM</b>	Middle Name or Initial:
Residence & Citizenship:	City: <b>Belmont</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>2730 Sequoia Way</b>	City: <b>Belmont</b>	State/Country: <b>California</b> Postal Code: <b>94002</b>
Full Name of Inventor 2:	Last Name: <b>BOYD</b>	First Name: <b>STEPHEN</b>	Middle Name or Initial:
Residence & Citizenship:	City: <b>Moss Beach</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>200 Marine Blvd.</b>	City: <b>Moss Beach</b>	State/Country: <b>California</b> Postal Code: <b>94038</b>

Full Name of Inventor 3:	Last Name: <b>FOLLMER</b>	First Name: <b>BRETT</b>	Middle Name or Initial:
Residence & Citizenship:	City: <b>Santa Clara</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>1690 Civic Center Dr. #101</b>	City: <b>Santa Clara</b>	State/Country: <b>California</b> Postal Code: <b>95050</b>
Full Name of Inventor 4:	Last Name: <b>STINE</b>	First Name: <b>JOHN</b>	Middle Name or Initial: <b>G.</b>
Residence & Citizenship:	City: <b>San Jose</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>6554 Devonshire Drive</b>	City: <b>San Jose</b>	State/Country: <b>California</b> Postal Code: <b>95129</b>
Full Name of Inventor 5:	Last Name: <b>SNOW</b>	First Name: <b>DAVID</b>	Middle Name or Initial: <b>W.</b>
Residence & Citizenship:	City: <b>San Carlos</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>930 Buckland Avenue</b>	City: <b>San Carlos</b>	State/Country: <b>California</b> Postal Code: <b>94070</b>
Full Name of Inventor 6:	Last Name: <b>DOUD</b>	First Name: <b>DARREN</b>	Middle Name or Initial: <b>G.</b>
Residence & Citizenship:	City: <b>San Jose</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>1040 Belvedere Lane</b>	City: <b>San Jose</b>	State/Country: <b>California</b> Postal Code: <b>95129</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  TIM CORVI	Signature of Inventor 2  STEPHEN BOYD	Signature of Inventor 3  BRETT FOLLMER
Date 8/2/99	Date 7/29/99	Date 29/JUL/99
Signature of Inventor 4  JOHN G. STINE	Signature of Inventor 5  DAVID W. SNOW	Signature of Inventor 6  DARREN G. DOUD
Date 30 JULY 99	Date 29 JUL 99	Date 08/2/99

**COPY**

Attorney Docket No.: 18489-001600US

**POWER OF ATTORNEY BY ASSIGNEE**

**FOX HOLLOW TECHNOLOGIES, INC.**, located at **3355 Edison Way, Menlo Park, California 94025**, is the Assignee of the invention entitled:

**APPARATUS AND METHODS FOR MATERIAL CAPTURE AND REMOVAL**

The specification of which is filed herewith.

The Assignment accompanying this Power of Attorney has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the Assignee. The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

<u>Name</u>	<u>Reg. No.</u>	<u>Name</u>	<u>Reg. No.</u>
Aka, Gary T.	29,038	Heckadon, David R.	Granted Limited Recognition under 37 CFR §10.9(b)
Apple, Randolph T.	36,429	Heslin, James M.	29,541
Barrish, Mark D.	36,443	Liebeschuetz, Joe	37,505
Colwell, Robert C.	27,431	Powers, Margaret A.	39,804
Dow, Karen B.	29,684	Slone, David N.	28,572
Gibby, Darin J.	38,464	Smith, William M.	30,223
Hann, James F.	29,719	Storella, John R.	32,994
Haughey, Paul C.	31,836		

*Send Correspondence to:*  
**JAMES M. HESLIN, ESQ.**  
Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834

*Direct Telephone Calls to:*  
**JAMES M. HESLIN**  
Reg. No. 29,541  
650/326-2400

**FOX HOLLOW TECHNOLOGIES, INC.**

Date: 29 Mar 99

By: 

Print Name: David W. Snow  
Title: VICE PRESIDENT, RESEARCH & DEVELOPMENT

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, **TIM CORVI**, of 2730 Sequoia Way, Belmont, California 94002; **STEPHEN BOYD**, of 200 Marine Blvd., Moss Beach, California 94038; **BRETT FOLLMER**, of 1690 Civic Center Dr. #101, Santa Clara, California 95050; **JOHN G. STINE**, of 6554 Devonshire Drive, San Jose, California 95129; **DAVID W. SNOW**, of 930 Buckland Avenue, San Carlos, California 94070; and **DARREN G. DOUD**, of 1040 Belvedere Lane, San Jose, California 95129, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:	<b>APPARATUS AND METHODS FOR MATERIAL CAPTURE AND REMOVAL</b>
Date(s) of execution of Declaration:	<u>JULY 29, 30 &amp; AUGUST 2, 1999</u>
Filing Date:	Herewith
Application No.:	Unassigned; and

WHEREAS, **FOX HOLLOW TECHNOLOGIES, INC.**, located at 3355 Edison Way, Menlo Park, California, 94025, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignment

Attorney Docket No.: 18489-001600US

Page 2

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, California 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Date 29 JUL 99

  
TIM CORYL

Date 2 Aug 99

  
STEPHEN BOYD

Date 29 JUL 99

  
BRETT FOLLMER

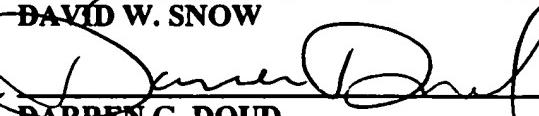
Date 30 JULY 99

  
JOHN G. STINE

Date 29 JUL 99

  
DAVID W. SNOW

Date 2 Aug 99

  
DARREN G. DOUD

FEDERAL PRACTICE AND PROCEDURE

619489-00160045



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

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TOWNSEND AND TOWNSEND AND CROW LLP  
JAMES M. HESLIN  
TWO EMBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO, CALIFORNIA 94111-3834



\*101129940A\*

JM Heslin

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/19/1999

REEL/FRAME: 010192/0555  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

CORVI, TIM

DOC DATE: 07/29/1999

ASSIGNEE:

BOYD, STEPHEN

DOC DATE: 08/02/1999

ASSIGNEE:

FOLLMER, BRETT

DOC DATE: 07/29/1999

ASSIGNEE:

STINE, JOHN G.

DOC DATE: 07/30/1999

ASSIGNEE:

SNOW, DAVID W.

DOC DATE: 07/29/1999

ASSIGNEE:

DOUD, DARREN G.

DOC DATE: 08/02/1999

010192/0555 PAGE 2

ASSIGNEE:

FOX HOLLOW TECHNOLOGIES, INC.  
3355 EDISON WAY  
MENLO PARK, CALIFORNIA 94025

SERIAL NUMBER: 09377884  
PATENT NUMBER:

FILING DATE: 08/19/1999  
ISSUE DATE:

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

M. 20  
9-99

08-30-1999

Docket No. 18489-001600

FORM PTO-1595  
(Rev. 6-93)

Re



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U.S. Department of Commerce  
Patent and Trademark Office

To the Honorable Asst. Commissioner for Patents. Please record the attached or copy thereof

JC594 U.S. PTO  
09/377884

1. Name of conveying party(ies):  TIM CORVI, STEPHEN BOYD, BRETT FOLLMER, JOHN G. STINE, DAVID W. SNOW & DARREN G. DOUD		2. Name and address of receiving party(ies)  Name: FOX HOLLOW TECHNOLOGIES, INC.  Internal Address:  Street Address: 3355 EDISON WAY  City: MENLO PARK      State: CA      ZIP: 94025	
Additional name(s) of conveying parties attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No.		Additional names and addresses attached?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: Execution Dates: July 29, 30, & August 2, 1999			
4. Application Number(s) or Patent Numbers.  If this document is being filed together with a new application, the execution dates of the application is: July 29, 30 & Aug. 2, 1999			
A. Patent Application No(s):  Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		B. Patent No(s):    09/377884	
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: JAMES M. HESLIN TOWNSEND AND TOWNSEND AND CREW LLP Two Embarcadero Center, 8 <sup>th</sup> Floor San Francisco, California 94111-3834 (415) 576-0200		6. Total number of applications and patents involved 01  7. Total fee (37 CFR 3.41): \$40.00  <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Charge Fees to Deposit Account  <input checked="" type="checkbox"/> Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.	
08/27/1999 DATES 00000208 201430 09377884 01 C:581 40.00 CH		8 Deposit account number: 20-1430	
DO NOT USE THIS SPACE			
9. Statement and signature.  To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.			
JAMES M. HESLIN Name of Person Signing		Signature	
Atty Reg. No. 29,541		Total number of pages including cover sheet, attachments and document 03	
10. Change Correspondence Address to that of Part 5? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
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Mail documents to be recorded with required cover to:		Do not detach this portion	
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